

RECEIVED
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UNITED STATES COURT OF APPEALS
SIXTH CIRCUIT
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, JACKSON

USDC Case No. 1:09-CV-01050-JDT-egb
Sixth Circuit Case No. _____

IN RE: JAMES D. WILSON

VS.

UNITED STATES DISTRICT JUDGE
JAMES TODD AT JACKSON, TENNESSEE

PETITION FOR WRIT OF MANDAMUS

Comes now Petitioner, JAMES D. WILSON, acting pro se and files this petition pursuant RULES OF APPELLATE PROCEDURE, SIXTH CIRCUIT, RULE 21 and respectfully request this court to order U.S.D.J. JAMES TODD to respond to the allegations herein and grant the petitioner the relief requested..

For the purposes of this Mandamus, the petitioner must state:

1. The Relief sought,
2. The Issues presented,
3. The Fact necessary to understand the petition,
4. The Reason why the Writ should be granted,
5. The Orders from the Court.

RELIEF SOUGHT

(1). Order JUDGE TODD to issue an order demanding that the defendant in WILSON V. PETERSEN, DOUGLAS, and INGRAM answer the allegations in the petitioner's amended complaint docketed on October 4, 2010, case No. 1:09-CV-01050-JDT-egb. The original complaint was docketed by the clerk on March 4, 2009. (see Civil docket sheet, Appendix One (4) pages).

(2). Order JUDGE TODD to issue a scheduling order in case No. 1:09-CV-01050-JDT-egb. The case has been languishing in the hands of JUDGE TODD for two (2) years.

(3). Order JUDGE TODD to rescue himself from case No. 1:09-CV-01050-JDT-egb, because he is biased and takes his orders from Correctional Corporations of America who is liable for the unlawful Constitutional violations described in the amended complaint by defendants MICHAEL PETERSEN and TANISHA DOUGLAS, Defendant C.J. INGRAM, a private attorney, conspired with defendant DOUGLAS to deny the petitioner protected Constitutional Rights described in his amended complaint.

(4). Order case No. 1:09-CV-01050-JDT-egb be transferred to the EASTERN DISTRICT OF TENNESSEE AT GREENVILLE where Correctional Corporations of America doesn't control the Federal Judges actions.

THE ISSUES PRESENTED

The issue is simple. The U.S.D.J. JAMES TODD willfully and knowingly refuses to issue orders aforementioned in order to move case No. 1:09-CV-01050-JDT-egb forward. The 42 U.S.C 1983 original complaint was filed on March 4, 2009 with (13) defendants and a total of (483) pages to include the complaint and Appendix. Through verbal and written negotiation, the petitioner and the defendants resolved most or the

original issues, therefore, on October 4, 2010, the petitioner filed and amended petition dismissing twelve (12) of the thirteen (13) original defendants (chaplain Michael Petersen was not dismissed) and added two (2) new defendants, correctional officer TANISHA DOUGLAS and private attorney C.J. INGRAM. The amended complaint consist of three (3) defendants, a complaint totalling (22) pages and new appendice (115-142)(Appendix one at page (4) Id. 18) and retaining (10) of the original Appendices. (Appendix one-A).

THE FACTS NECESSARY TO UNDERSTAND THE PETITION.

The petitioner is an AMERICAN INDIAN. (Appendix two, T.D.O.C Tomis sheet). The petitioner arrived at Hardeman County Correctional Facility operated by Correctional Corporation of America on December 21, 2005. (hereinafter HCCF/CCA). The petitioner contacted CHAPLAIN MICHAEL PETERSEN in January 2006 and requested a Native American Religion Program for meaningful exercise of his Native American Faith and Way of Life. CHAPLAIN PETERSEN denied the petitioner his meaningful exercise of Religion in every realm and aspect. The petitioner began writing grievances in order to exhaust remedies for Federal Court under 42 USC 1983. Because all grievances were denied the petitioner filed his 42 USC 1983 with the U.S District Court in JACKSON, TENNESSEE on March 4, 2009. In may 2008, WARDEN JOE EASTERLING instructed the petitioner to submit him a list of what the petitioner sought for a Bona-Fide meaningful Religious Native American Program at HCCF/CCA. The petitioner submitted his request to the warden on May 23, 2008. The request was then submitted to the Tennessee Department of Corrections (T.D.O.C) Religious Activities Committee (R.A.C) and Religious Director DR. RONALD G. TURNER. On December 12, 2008, the R.A.C granted nine (9) of the petitioner's request which DEFENDANT PETERSEN has repeatedly denied. Eventually, and after the 42 USC 1983 was filed on March 4, 2009, the petitioner and DR. TURNER negotiated and several other request were granted, therefore the petitioner dismissed twelve (12) of the thirteen (13) original defendants and added the two (2) new defendants discussed herein to his amended complaint.

THE REASONS WHY THE WRIT SHOULD BE GRANTED.

This too is simple and obvious. The First Amendment of the Constitution of the U.S provides all Americans access to Courts for redress if injury. U.S.C.A AMEND. 1. Before filing the 42 USC 1983, the petitioner meticulously, tediously, and patiently wrote grievances, request and gathered documented evidence in support of his claims for over (3) years in an effort to show the Court how CHAPLAIN PETERSEN and HCCF/CCA were denying the petitioner any and all Native American Religious Expression. In goon faith and well prepared, the petitioner brought his grievances, request, and complaint to the Federal Court in Jackson only to be ignored. The Court will not even answer the petitioner's letters inquiring into the status of his case.

The petitioner filed a preliminary injunction with his complaint. It was also ignored until the 6th Circuit Court of Appeals was contacted in March 2010. Shortly thereafter the Jackson Court denied the preliminary injunction as moot. (Appendix Three)(Done 3/30/10, Appendix One, page (3) at (11)).

The petitioner complied with the PLRA by paying a \$ 70.00 partial filing fee on March 19, 2009. (Appendix Four). The petitioner did this prior to Judge Todd issuing an order for compliance with the PLRA on April 24, 2009. (Appendix Five).

In good faith the petitioner requested Leave of the Court to amend his 42 USC 1983 on December 29, 2009. (Appendix One at page 3 Id (10)).

Judge Todd Finally ruled on that request on September 16, 2010. (Appendix Six).

For the reasons stated herein. this Writ should be granted in keeping with the First Amendment's Right to redress American Courts for Injury, in the interest of the Public, and to insure Judicial Equity in 42 USC 1983 complaints. Furthermore and obvious, JUDGE TODD is protecting defendants PETERSEN, DOUGLASS and the CCA for it's liability in this Amended Complaint. CCA believes they are above the law because they own the law, the law being unsupported delays by JUDGE JAMES TODD. The petitioner defended the Constitution with his service as an honorably discharged Vietnam Era and Peacetime Veteran. (Appendix Seven).

THE ORDERS FROM THE COURT.

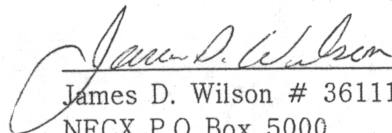
The Court orders are Appendices One, Three, Four, Five and Six, herein, attached accordingly. Appendix One-A, Two and Seven are other relevant documents.

CONCLUSION.

WHEREFORE, PREMISE CONSIDERED, PETITIONER PRAYS THAT:

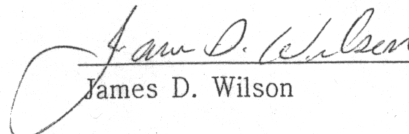
1. Grant the relief sought described in subsections, One, Two, Three and Four of the "RELIEF SOUGHT" portion of this Writ; and
2. Waive the \$ 450.00 filing fee for this "WRIT OF MANDAMUS". Why should the petitioner have to pay a \$ 450.00 filing fee to have the 6th Circuit order JUDGE TODD to do his appointed job as a U.S.D.J ?; and
3. Tax all costs to the U.S.D.C. in Jackson Tennessee; and
4. Award the petitioner discretionary cost for paralegal .research service, typing, copying and postage.

Respectfully Submitted,


James D. Wilson # 361111
NECX P.O Box 5000
Mountain City, TN 37683

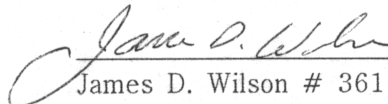
I declare (swear/affirm) under the penalties of perjury that the foregoing motion/ statements are true and correct to the best of my knowledge. 28 USC 1746.

February 23, 2011
Date Executed On


James D. Wilson

CERTIFICATE OF SERVICE.

I hereby certify that a true and correct copy of the foregoing WRIT OF MANDAMUS with APPENDICES ONE THROUGH SEVEN was sent to the following party by U.S Mail on the 25 day of February 2011; SENIOR JUDGE JAMES TODD, Room 448, United States Courthouse, 111 South Highland Avenue, Jackson, Tennessee 38301.


James D. Wilson # 361111
NECX P.O Box 5000
Mountain City, TN 37683

Appendix one

PROSE

**U.S. District Court
Western District of Tennessee (Jackson)
CIVIL DOCKET FOR CASE #: 1:09-cv-01050-JDT-egb
Internal Use Only**

Wilson v. Stipanuk et al
Assigned to: Judge James D. Todd
Referred to: Magistrate Judge Edward G. Bryant
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/04/2009
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

James D. Wilson, III
also known as
Thunder Quill
also known as
James (Jim) Wilson

represented by **James D. Wilson, III**
361111
Northeast Correctional Complex Main
Unit
8-5B
P.O. Boxz 500
Mountain City, TN 37683-5000
PRO SE

V.

Defendant

Dr. Gerald Stipanuk

Defendant

Barbara Buford

Defendant

Patsy Clark

Defendant

Mildred Adams

Defendant

Michael Petersen

Defendant

Dr. Ronald Turner

Defendant

Gayle Ray

Defendant

Debbie Inglis

Defendant

Flora Holland

Defendant

Ken Locke

Defendant

Pat Ryan

Defendant

Dean Yancy

Defendant

Tim Coleman

Defendant

Tanisha Douglas

Defendant

C. Jay Ingram

Date Filed	#	Docket Text
03/04/2009	<u>1</u>	PRO SE COMPLAINT against all defendants, filed by James (Jim) Wilson. (Attachments: # <u>1</u> Appendix 1, # <u>2</u> Appendix 2, # <u>3</u> Appendix 2A, # <u>4</u> Appendix 2B, # <u>5</u> Appendix 3, # <u>6</u> Appendix 4, # <u>7</u> Appendix 5, # <u>8</u> Appendix 6, # <u>9</u> Appendix 7, # <u>10</u> Appendix 7A, # <u>11</u> Appendix 8, # <u>12</u> Appendix 9, # <u>13</u> Appendix 10, # <u>14</u> Appendix 11, # <u>15</u> Appendix 12, # <u>16</u> Appendix 13, # <u>17</u> Appendix 14, # <u>18</u> Appendix 15, # <u>19</u> Appendix 16, # <u>20</u> Appendix 17, # <u>21</u> Appendix 18, # <u>22</u> Appendix 19, # <u>23</u> Appendix 20, # <u>24</u> Appendix 21, # <u>25</u> Appendix 22, # <u>26</u> Appendix 23, # <u>27</u> Appendix 24, # <u>28</u> Appendix 25, # <u>29</u> Appendix 26, # <u>30</u> Appendix 27, # <u>31</u> Affidavit 28, # <u>32</u> Appendix 29, # <u>33</u> Appendix 30, # <u>34</u> Appendix 31, # <u>35</u> Appendix 32, # <u>36</u> Appendix 33, # <u>37</u> Appendix 34, # <u>38</u> Appendix 35, # <u>39</u> Appendix 36, # <u>40</u> Appendix 37, # <u>41</u> Appendix 40, # <u>42</u> Appendix 41, # <u>43</u> Affidavit 42, # <u>44</u> Appendix 43, # <u>45</u> Appendix 44, # <u>46</u> Appendix 45, # <u>47</u> Appendix 46, # <u>48</u> Appendix 47, # <u>49</u> Appendix 49, # <u>50</u> Appendix 50)(jlw) (Entered: 03/06/2009)
03/04/2009	<u>2</u>	ATTACHMENT to <u>1</u> Pro Se Complaint, filed by James (Jim) Wilson. (Attachments: # <u>1</u> Appendix 52, # <u>2</u> Appendix 53, # <u>3</u> Appendix 54, # <u>4</u> Appendix 55, # <u>5</u> Appendix 56, # <u>6</u> Appendix 57, # <u>7</u> Appendix 58, # <u>8</u> Appendix 59, # <u>9</u> Appendix 60, # <u>10</u> Appendix 61, # <u>11</u> Appendix 62, # <u>12</u> Appendix 63, # <u>13</u> Appendix 64, # <u>14</u> Appendix 65, # <u>15</u> Appendix 66, # <u>16</u> Appendix 67, # <u>17</u> Appendix 68, # <u>18</u> Appendix 69, # <u>19</u> Appendix 70, # <u>20</u> Appendix 71, # <u>21</u> Appendix 72, # <u>22</u> Appendix 73, # <u>23</u> Appendix 74, # <u>24</u> Appendix 75, # <u>25</u> Appendix 76, # <u>26</u> Appendix 77, # <u>27</u>

		Appendix 78, # <u>28</u> Appendix 79, # <u>29</u> Appendix 80, # <u>30</u> Appendix 81, # <u>31</u> Appendix 82, # <u>32</u> Appendix 83, # <u>33</u> Appendix 84, # <u>34</u> Appendix 85, # <u>35</u> Appendix 86, # <u>36</u> Appendix 87, # <u>37</u> Appendix 88, # <u>38</u> Appendix 89, # <u>39</u> Appendix 90, # <u>40</u> Appendix 91, # <u>41</u> Appendix 92, # <u>42</u> Appendix 93, # <u>43</u> Appendix 94, # <u>44</u> Appendix 95, # <u>45</u> Appendix 96, # <u>46</u> Appendix 97, # <u>47</u> Appendix 97, # <u>48</u> Appendix 98, # <u>49</u> Appendix 99, # <u>50</u> Appendix 100, # <u>51</u> Appendix 101, # <u>52</u> Appendix 101, # <u>53</u> Appendix 102, # <u>54</u> Appendix 103, # <u>55</u> Appendix 104, # <u>56</u> Appendix 105, # <u>57</u> Appendix 106, # <u>58</u> Appendix 107, # <u>59</u> Appendix 108, # <u>60</u> Appendix 109, # <u>61</u> Appendix 110, # <u>62</u> Appendix 110A, # <u>63</u> Appendix 110A, # <u>64</u> Appendix 110B, # <u>65</u> Appendix 110B, # <u>66</u> Appendix 110C, # <u>67</u> Appendix 110D, # <u>68</u> Appendix 111, # <u>69</u> Appendix 111, # <u>70</u> Appendix 112, # <u>71</u> Appendix 113, # <u>72</u> Appendix 114, # <u>73</u> Cover Letter, # <u>74</u> Envelope)(jlw) (Entered: 03/06/2009)
03/04/2009	<u>3</u>	MOTION (Trust Fund Account) for Leave to Proceed in forma pauperis filed by James (Jim) Wilson. (jlw) (Entered: 03/06/2009)
03/09/2009	<u>4</u>	MOTION for Preliminary Injunction by James (Jim) Wilson. (Attachments: # <u>1</u> Memorandum in Support of Motion for Preliminary Injunction, # <u>2</u> Appendix 104, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Envelope) (akj) (Entered: 03/11/2009)
03/13/2009	<u>5</u>	Letter from James Thunder Quill Wilson regarding Appendices from Complaint (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Envelope) (akj) (Entered: 03/13/2009)
03/27/2009	<u>6</u>	AFFIDAVIT (appendix 109) by James (Jim) Wilson. (Attachments: # <u>1</u> Letter and Envelope)(akj) (Entered: 03/27/2009)
04/24/2009	<u>7</u>	ORDER TO COMPLY WITH PLRA OR PAY FULL \$350.00 CIVIL FILING FEE. Signed by Judge James D. Todd on 4/24/09. (akj) (Entered: 04/24/2009)
05/13/2009	<u>8</u>	NOTICE of Filing Correct IFP Forms (re <u>3</u> MOTION for Leave to Proceed in forma pauperis)in accordance with 4/29/09 Order-DE# 7 by James (Jim) Wilson (Attachments: # <u>1</u> Trust Fund Statements, # <u>2</u> Affidavit, # <u>3</u> Cover Letter, # <u>4</u> Envelope)(cdi) (Entered: 05/18/2009)
12/21/2009	<u>9</u>	NOTICE of Change of Address by James (Jim) Wilson (Docket Sheet Updated). (Attachments: # <u>1</u> envelope)(cdi) (Entered: 12/23/2009)
12/29/2009	<u>10</u>	Plaintiff's First Request(MOTION) for Leave of Court to Amend Civil Rights <u>1</u> Complaint To Add A Defendant Before Statute of Limitations Expires by James (Jim) Wilson. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Cover Letter, # <u>3</u> envelope)(cdi) (Entered: 12/30/2009)
03/30/2010	<u>11</u>	ORDER DENYING <u>4</u> MOTION FOR PRELIMINARY INJUNCTION. Signed by Judge James D. Todd on 3/30/10. (Todd, James) (Entered: 03/30/2010)
05/24/2010	<u>12</u>	USCA CASE NUMBER 10-5619 for Writ of Mandamus. (Filed at USCA 5/24/10) Patricia J. Elder - Senior Case Manager. (Attachments: # <u>1</u> Writ of

		Mandamus)(cdi) (Entered: 06/03/2010)
06/10/2010	<u>13</u>	USCA Order re Case No. 10-5619 (filed at USCA 6/10/10). "...the petitioner's letter construed as a motion to voluntarily dismiss the case... the motion is GRANTED and the case is dismissed." (cdi) (Entered: 06/14/2010)
07/16/2010	<u>14</u>	Letter from Jim Thunder Quill Wilson. (cdi) (Entered: 07/19/2010)
09/16/2010	<u>15</u>	ORDER TO MODIFY THE DOCKET AND ORDER ON MOTION TO AMEND - clerk to modify docket to reflect pla's true name and denying <u>10</u> Motion to Amend as unnecessary. Signed by Judge James D. Todd on 9/16/2010. (Todd, James) (Entered: 09/16/2010)
09/17/2010	<u>16</u>	Letter from Jim Thunder Quill Wilson. (Attachments: # <u>1</u> envelope) (cdi) (Entered: 09/21/2010)
09/20/2010	<u>17</u>	Letter from James D. Wilson.(rcvd in Jackson 9/20/10) (Attachments: # <u>1</u> envelope) (cdi) (Entered: 09/21/2010)
10/04/2010	<u>18</u>	AMENDED COMPLAINT for Violation of Civil Rights Under 42 USC § 1983 against Tanisha Douglas, C. Jay Ingram, Michael Petersen, filed by James D. Wilson, III. (Attachments: # <u>1</u> Exhibits-Part 1, # <u>2</u> Exhibits-Part 2, # <u>3</u> Exhibits-Part 3, # <u>4</u> Cover Letter, # <u>5</u> envelope-front, # <u>6</u> envelope-back)(cdi) (Entered: 10/07/2010)
10/18/2010	<u>19</u>	Letter from plaintiff re: verification of amended complaint filing (Attachments: # <u>1</u> envelope) (copy of docket sheet mailed pla)(skp) (Entered: 10/18/2010)

Received 10/22/10

Appendix one-A

To: United States District Court
Western District, Eastern Division
Deputy in Charge Sonya Pettigrew
Room 262
11 South Highland Avenue
Jackson, TN 38301

From: James Dudley Wilson III, # 361111
Mountain City, TN 37683

Re: Amended Complaint For Violation of Civil Rights Under 42 USC 1983
For WILSON V. STIPANUK
Case No: 09-1050-JDT-egb

Date: September 30, 2010

Dear Ms. Pettigrew,

I recently received document # 15 instructing me I may amend my 1983 complaint. I have dropped all of the original defendants except one, MICHAEL PETERSON, and I have added two new Defendants, TANISHA DOUGLAS, and C. JAY INGRUM. This amendment has drastically streamlined this case down from (13) Defendants to (3) Defendants. Furthermore, you may discard all of the Appendices except for the ones I have listed below which are cited in the Amended Complaint. These Appendices must be retained because they support my claims against Defendant MICHAEL PETERSON.

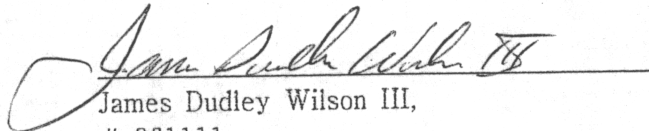
1. Appendix 84 - Administrative Grievance
2. Appendix 86 - " "
3. Appendix 88 - " "
4. Appendix 89 - " "
5. Appendix 104 - Jeff Nichols Affidavit
6. Appendix 109 - Cornel Poe Affidavit
7. Appendix 106 - Gary T. Lawler Affidavit
8. Appendix 107 - James Johnson Affidavit
9. Appendix 78 - Tennessee Code Annotated 39-17-309(a)(b)(1)(2)
10. Appendix 110-D - Anthony Fralix Affidavit

I have enclosed the new Appendices for my claims against TANISHA DOUGLAS and C. JAY INGRUM. Those Appendices are Appendix (115) through Appendix (142) and are numbered accordingly for a total of (28) new Appendices.

As you may know I made my initial payment for this case in April 2009. I trust the Judges are happy with the streamlining of my 42 USC 1983 and it will now proceed without delay.

The Amended Complaint and Appendices have been sent by U.S. Certified Return Receipt Mail. Thank you for your time and assistance.

Respectfully submitted,

A handwritten signature in cursive script, reading "James Dudley Wilson III", is written over a horizontal line.

James Dudley Wilson III,
361111
NECX P.O. Box 5000.
Mountain City, TN 37683

cc. File,

Encls: Amended Complaint (22) pages

Appendix 115-142 (69) pages

Appendix Two

LCLA
BI21M29

OFFENDER ATTRIBUTES
PHYSICAL INFO DETAIL

DATE: 08/17/07
TIME: 01:40 PM

TOMIS ID: 00361111 WILSON, JAMES D
Status: ACTV

Location: HCCF

Sex: M
Race: I AMERICAN INDIAN
SSN: 411-96-0673
Weight: 225
Eye Color: BLU BLUE

DNA Test: Y 11/02/2005
DOB: 04/12/1956 Age: 51
Height: 6 Feet 1 Inches
Hair Color: GRY GRAY OR PARTIAL
Complexion: FAR FAIR

State ID Number (SID): TN387354 FBI Number: 369522KA9
NCIC Fingerprint Class: PMXI16PD18DI08162316

STG ID:

Assessment:

Scars/Marks/Tattoos: TT R BICEP EAGLE

NEXT FUNCTION: DATA:
F1-HELP F6-NEXT F9-QUIT F10-REFRESH F11-SUSPEND

Requested function not found

Appendix Aree

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JAMES (JIM) THUNDER QUILL
WILSON,

Plaintiff,

VS.

DR. GERALD STIPANUK, ET AL.,

Defendants.

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No. 09-1050-JDT-egb

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

The Plaintiff, James (Jim) Thunder Quill Wilson, Tennessee Department of Correction inmate number 361111, who was, at the time, an inmate at the Hardeman County Correctional Facility ("HCCF") in Whiteville, Tennessee, filed a complaint pursuant to 42 U.S.C. § 1983 on March 4, 2009. On March 9, 2009, Plaintiff filed a motion for preliminary injunction (D.E. 4). Plaintiff sought an injunction requiring the Defendants, prison officials at HCCF, to provide him with certain specific medical treatment. Plaintiff also sought an injunction requiring HCCF officials to transfer him to the Northeast Correctional Complex ("NECX") in Mountain City, Tennessee, "where the Plaintiff can exercise his Native American Religious Faith without fear of retaliation" (D.E. 4-1 at 6).

On December 21, 2009, Plaintiff filed a notice advising that he had been transferred to the NECX (D.E. 9). Therefore, as Plaintiff is no longer confined to the institution from

which he sought injunctive relief, his motion for a preliminary injunction is moot. Moore v. Curtis, 68 F. App'x 561, 562 (6th Cir. 2003) (citing Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir. 1996) (request for injunctive relief from officials at a specific prison is moot once prisoner is no longer incarcerated at that prison)); LaFlame v. Montgomery County Sheriff's Dep't, 3 F. App'x 346, 347 (6th Cir. 2001) (prisoner's request for diabetes treatment was moot after he was no longer incarcerated in the Montgomery County Jail).

Accordingly, the motion for preliminary injunction is DENIED.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

The following transaction was entered on 3/30/2010 at 10:12 AM CDT and filed on 3/30/2010

Case Name: Wilson v. Stipanuk et al

Case Number: 1:09-cv-01050-JDT-egb

Filer:

Document Number: 11

Docket Text:

ORDER DENYING [4] MOTION FOR PRELIMINARY INJUNCTION. Signed by Judge James D. Todd on 3/30/10. (Todd, James)

1:09-cv-01050-JDT-egb Notice has been electronically mailed to:

1:09-cv-01050-JDT-egb Notice will not be electronically mailed to:

James (Jim) Wilson

361111

Notheast Correctional Complex Main Unit

8-543

PO Box 5000

Mountain City, TN 37683-5000

The following document(s) are associated with this transaction:

Receipt:

Case 1:09-cv-01050-JDT-egb Document 21 Filed 03/01/11 Page 17 of 26



Intake Clerk:

Receipt Number:

Receipt Date:

jennifer

J32862

03/19/2009

United States District Court

Western District of Tennessee

Western Division-Memphis
167 N. Main, Room 242
Memphis, TN 38103
(901) 495 - 1200

Eastern Division-Jackson
Room 262, 111 South Avenue
Jackson, TN 38301
(731) 421-9200

Received From:

TND0C

Cash:**Check:** \$70.00

Check Number: 0819731

Credit:**Money Order:****EFT:****Total Amount Owed:** \$70.00**Total Amount Paid:** \$70.00**Change:** \$.00**Receipt Details**

1 Partial Civil Filing Fee
Case Number 1:09CV1050
JAMES WILSON

Amount Owed:**\$70.00****Total Amount:****\$70.00**

Total Lines: 1

Appendix Five

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JAMES (JIM) THUNDER QUILL
WILSON,

Plaintiff,

VS.

DR. GERALD STIPANUK, ET AL.,

Defendants.

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)
)
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No. 09-1050-JDT-egb

ORDER TO COMPLY WITH PLRA
OR
PAY FULL \$350.00 CIVIL FILING FEE

On March 4, 2009, Plaintiff James (Jim) Thunder Quill Wilson, Tennessee Department of Corrections inmate number 361111, an inmate at the Hardeman County Correctional Facility ("HCCF") in Whiteville, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 concerning his confinement. Plaintiff also filed a document entitled "Tennessee Department of Correction Trust Fund Account Personal Withdrawal Request" which indicated that Plaintiff requested that a check for funds from his trust account in the amount of \$70.00, or twenty percent (20%) of the initial filing fee for this case, to be mailed to the Clerk of Court (Docket Entry 3).

Under the Prison Litigation Reform Act of 1995 ("PLRA"), 28 U.S.C. § 1915(a)-(b), a prisoner bringing a civil action must pay the full filing fee of \$350.00 required by 28 U.S.C.

§ 1914(a). The statute merely provides the prisoner the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in installments. See McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997) (“[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan. Prisoners are no longer entitled to a waiver of fees and costs.”).

To take advantage of the installment procedures, a prisoner must properly complete and submit to the district court, along with the complaint, either Form 4 of the Appendix of Forms found in the Federal Rules of Appellate Procedure, or an affidavit that contains the same detailed information found in Form 4. McGore, 114 F.3d at 605. The prisoner must also submit a certified prison trust fund account statement, showing all activity in his account for the six months preceding the filing of the complaint, and specifically showing:

- 1) the average monthly deposits, and
- 2) the average monthly balance

for the six months prior to submission of the complaint, and

- 3) the account balance when the complaint was submitted.

Plaintiff has not filed these documents with the Court. Therefore, at the present time, Plaintiff is not eligible to take advantage of the installment payment procedures of § 1915(b). Plaintiff is, however, liable for the full \$350.00 filing fee, which accrued at the moment the complaint was filed. Therefore, Plaintiff is hereby ORDERED to submit a properly completed prisoner *in forma pauperis* affidavit and a certified copy of his trust fund account

statement, or the full \$350.00 civil filing fee, to the following address within thirty (30) days after the entry of this order:

Clerk, United States District Court, Western District of Tennessee, 262 U.S.
Courthouse, 111 S. Highland Ave., Jackson, TN 38301

If Plaintiff needs additional time to file the required documents, he may, within thirty (30) days after the entry of this order, request an extension of time from this Court. Any extension granted may not exceed an additional thirty (30) days. McGore, 114 F.3d at 605. If Plaintiff fails to timely file the required documentation, the Court will assess the entire filing fee without regard to the installment payment procedures, and will dismiss the action for failure to prosecute under Fed. R. Civ. P. 41(b). McGore, 114 F.3d at 605. If dismissed under these circumstances, the case will not be reinstated despite the subsequent payment of the full filing fee and regardless of any request for pauper status. However, if Plaintiff timely submits the proper documentation, and the Court finds that Plaintiff is indeed indigent, then the Court will assess the filing fee in accordance with the installment procedures of § 1915(b).

The Clerk is directed to mail Plaintiff a copy of the prisoner *in forma pauperis* affidavit form along with this order.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'

U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

The following transaction was entered on 4/24/2009 at 9:50 AM CDT and filed on 4/24/2009

Case Name: Wilson v. Stipanuk et al

Case Number: 1:09-cv-1050

Filer:

Document Number: 7

Docket Text:

ORDER TO COMPLY WITH PLRA OR PAY FULL \$350.00 CIVIL FILING FEE. Signed by Judge James D. Todd on 4/24/09. (akj)

1:09-cv-1050 Notice has been electronically mailed to:

1:09-cv-1050 Notice has been delivered by other means to:

James (Jim) Wilson

361111

JC 103

HCCF/CCA

PO Box 549

Whiteville, TN 38075

The following document(s) are associated with this transaction:

JAMES D. WILSON, III,

Plaintiff,

VS.

DR. GERALD STIPANUK, ET AL.,

Defendants.

No. 09-1050-JDT-egb

¹ Plaintiff has signed his pleading “James Thunder Quill Wilson,” an alias. Plaintiff’s true name, found on the TDOC website, is James D. Wilson, III. The Clerk is directed to modify the docket to reflect Plaintiff’s true name.

with the rest of the complaint.

The motion to amend is DENIED as unnecessary.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Tennessee

Notice of Electronic Filing

The following transaction was entered on 9/16/2010 at 5:09 PM CDT and filed on 9/16/2010

Case Name: Wilson v. Stipanuk et al

Case Number: 1:09-cv-01050-JDT-egb

Filer:

Document Number: 15

Docket Text:

ORDER TO MODIFY THE DOCKET AND ORDER ON MOTION TO AMEND - clerk to modify docket to reflect pla's true name and denying [10] Motion to Amend as unnecessary. Signed by Judge James D. Todd on 9/16/2010. (Todd, James)

1:09-cv-01050-JDT-egb Notice has been electronically mailed to:

1:09-cv-01050-JDT-egb Notice will not be electronically mailed to:

James D. Wilson, III

361111

Northeast Correctional Complex Main Unit

8-5B

P.O. Boxz 500

Mountain City, TN 37683-5000

The following document(s) are associated with this transaction:

Appendix seven



DEPARTMENT OF VETERANS AFFAIRS

Nashville Regional Office

110 9th Ave. South

Nashville, TN 37203

JAMES D. WILSON III

VA File Number

411 96 0673

Represented by:

TENNESSEE DEPARTMENT OF VETERANS AFFAIRS

Rating Decision

March 18, 2010

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era and Peacetime. You served in the Navy from May 1, 1975 to May 3, 1979. You filed an original disability claim that was received on February 8, 2010. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for right hand injury (pain, disfigurement, and bent out of shape pinky finger) is denied.

EVIDENCE

- VA Form 21-526, Application for Service Connection Compensation and/or Pension received February 8, 2010
- Our letter informing you of the evidence required to establish entitlement to claimed issues dated February 19, 2010 and March 01, 2010

JAMES D. WILSON III

411 96 0673

Page 2

- Lay statement submitted by you dated March 8, 2010 and March 12, 2010
- VCAA Notice Response dated March 12, 2010
- VA Form 21-4138, Statement in Support of Claim received March 12, 2010
- Service treatment records dated May 1975 through March 1979
- DD214

REASONS FOR DECISION

Service connection for right hand injury (pain, disfigurement, and bent out of shape pinky finger).

We have denied service connection for right hand injury (pain, disfigurement, and bent out of shape pinky finger) because this condition was not shown to occur in service. Service connection may be granted for a disability which began in military service or was caused by some event or experience in service.

Service treatment records are negative for treatment of right hand injury or residuals thereof. There is no medical evidence of a right hand injury as related to military service; therefore service connection for right hand injury (pain, disfigurement, and bent out of shape pinky finger) is denied since this condition neither occurred in nor was caused by service.

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our web site, www.va.gov.